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ART. IX. — WESTERN POLICY IN CHINA.

FROM time immemorial the Emperor of China has claimed to be the son of Heaven, and, as such, the sovereign of the race. He recognized no equals, and he could be approached by the representatives of other countries only when they came as tribute-bearers and as suppliants.

The free intercourse which was formerly permitted to Western countries was abandoned, when the rapid advance of European arms in Asia exposed both the designs and the strength of Spain, England, Portugal, and Holland. The Chinese government, fearful for its own independence, adopted an exclusive policy; and restricting foreign commerce to the narrowest of limits in the part of the Empire most distant from the capital, ignored the foreigner except as a trader seeking gain. That which is known as the Opium War of 1840 added largely to the field open to foreign commerce; but, as it did nothing towards establishing diplomatic intercourse with the central government, it merely rendered more active the policy of retaliation, by increasing the points of contact with a people among whom the cause of and the manner of conducting this unjust war had raised a deep hatred of the foreigner. This would ultimately have led to annexation of parts at least of China by European powers, had not the events at Canton in 1856–1858 caused the British and French to carry the war to near the capital. This war led to results which mark a new era, not only in the history of the relations of China to the outer world, but also in the history of Chinese civilization. It may not be amiss to recall briefly the events which led to such a consummation.

The concessions which had been obtained from the Chinese by the treaties of 1842, 1843, 1844, and 1845, consisted chiefly in opening to trade the ports of Amoy, Foo-chow, Ningpo, and Shanghai, besides Canton, and in the recognition of consuls established there,—in the transfer of the island of Hong Kong to England, and an indemnification of \$21,000,000 for the opium destroyed by order of the Emperor, and for the expenses of the war. In addition to these, the subjects of the treaty powers obtained the right to travel within certain limits, and

to lease real estate at the open ports, and at these points the toleration of Christianity was assured.

These privileges obtained by force were to a great extent counterbalanced by the hostility shown by the Chinese, and the relations of the two races became daily more and more complicated.

Soon after the close of the Crimean War, England turned her attention to the accumulating difficulties in China. The immediate cause of the war which soon followed was in itself a good illustration of the intercourse between the proudest and most powerful nations of the West and East. In October of 1856, the native authorities at Canton seized a Chinese boat, manned by natives, engaged in smuggling under the protection of a British flag. This act was considered to be an outrage by foreigners, and the British consul demanded instant satisfaction. Governor-General Yeh having refused to give an explanation, the British squadron bombarded Canton for three days, destroying the government buildings. France, and for a short time even the United States, through the frigate *Portsmouth*, joined England in the aggressive.

Preparations for war were begun on both sides, but the English forces destined for China were diverted to aid in suppressing the rebellion in India. After eight months of suspense, interrupted only by occasional aggressive acts on both sides, Lord Elgin arrived at Hong Kong, and Canton was declared to be in a state of siege. On the 12th of September, 1857, the declaration of war against England by China put an end to the hopes that the Emperor would disavow the acts of Yeh. In the middle of December the allied British and French forces occupied an island opposite Canton, and bombarded the city, and, after taking its defences by storm, finally took possession of Canton on the 5th of January, 1858. Yeh was sent to Calcutta, where he died a prisoner.*

After the taking of Canton, the allied British and French forces turned towards Peking, as being the only point at which the central government of China was vulnerable. Arriving at the mouth of the Pei Ho, and receiving no answer to an ulti-

* In this *résumé* of events down to the taking of Canton, we have followed the author of the article "China" in "The New American Cyclopædia."

matum sent to the capital, the Allies took the forts and advanced up the river to Tientsin, about ninety miles from Peking. This action resulted in the appointment of Chinese plenipotentiaries, and the conclusion of treaties in immediate succession with Russia, the United States, England, and France,—creating four new ports, throwing open the Yangtse Kiang to foreign trade, recognizing ministers accredited to the Court of Peking, tolerating Christianity and protecting Christian missionaries, permitting foreigners to travel in the interior, and indemnifying England and France for the expenses of the war. Such a sudden change in the traditional policy of the great Empire seemed the beginning of a new era for Asia, and a fit subject for the first despatch through the Atlantic Cable.

But a murderous fire was opened upon the English and French at Taku in June, 1859, while attempting to force their way to Tientsin in order to effect at the capital the exchange of the treaties which the Emperor wished to have consummated at Pehtang on the coast. This appeared to be a disavowal of the engagements entered into the preceding year. Whatever may have been the moving spirit with the imperial government in this affair, it led to serious consequences, which, though humiliating to the government, have been undoubtedly beneficial to the country. The American minister, conforming to the wish of the Chinese that he should visit Peking by way of Pehtang, was conducted to the capital. Although he there met with a friendly reception, he was obliged to return to Pehtang to effect the exchange of the treaties. This step made clear the determination of the government neither to make nor exchange treaties under the walls of the capital, and more especially to prohibit all direct communication with the central government. There is no doubt that the same would have been the case with the other ministers, had they avoided the mouth of the Pei Ho, and gone overland from the neighboring village of Pehtang. But the anti-foreign party was so powerful at Peking, that it is doubtful whether the ratifications would not have been the beginning of serious troubles; indeed, the treaties were avowedly granted in order to gain time for preparation to resent the force used in obtaining them.

The English and French ministers withdrew to Shanghai, and the Court of Peking refusing an apology, their governments, deciding to obtain it by force, made preparations for war on a scale which should be decisive.

An ultimatum, demanding, first, an apology for the attack on the allied forces at the Pei Ho, second, the ratification and execution of the treaty of Tientsin, and, third, the payment of an indemnity for the expenses of the naval and military preparations, was rejected by the Emperor.

In the summer of 1860, the allied forces, accompanied by the Earl of Elgin and Baron Gros, captured the forts on the Pei Ho and advanced to Tientsin, of which they took possession, and thence to near Tungchow, a city twelve miles from Peking. During these proceedings the anti-foreign party ruled the weak Emperor, and when negotiations seemed about to be satisfactorily concluded, the Chinese, by an act of treachery, tried to cut off the forces, and seized Mr. Parkes and several other persons who were returning under a flag of truce from an interview with the imperial plenipotentiaries. All negotiations were now stopped, and, as the prisoners were not given up, it was decided to punish such a flagrant breach of faith. Peking was invested, and Yuenningyuen, the summer palace, a few miles west of the city, was destroyed. In the mean time, the Emperor Hienfung had fled to Tartary, a step which aided much the political revolution that threw the reins of government into the hands of his brother, Prince Kung.

Prince Kung, although very young, exhibited considerable tact and ability; while the fact that with his first appearance began a new policy gave to him a position with the foreign ministers that would not easily have attached to names better known to them.

Those of the prisoners who had not died under the horrible treatment they experienced were given up. A gate of the city was surrendered, and the articles of the Tientsin Convention were signed, embodying the demands of the ultimatum, the opening of the port of Tientsin, and the permanent establishment of the ministers at Peking.

The war was over; the anti-foreign party was thrown into the background, and for the first time the field was open for

the action of wise diplomacy in bringing China into the circle of interdependent nations. The manner in which this short and decisive war was conducted tended far more than is generally known to facilitate the attainment of this object. When the use of force was first decided upon, the British minister, Sir Frederick Bruce, who had succeeded his brother, Lord Elgin, turned his efforts towards relieving the people from any participation in the sufferings of war, and aiming the blow solely at the government. During the presence of the troops in the North, their behavior inspired the inhabitants with such confidence that no difficulty was experienced in obtaining supplies, which were scrupulously paid for. After the taking of Tientsin, its population remained confidently at their occupations, and the native committee that had been organized to supply the Chinese army undertook to do the same for the allied forces. Indeed, during the journeys of the writer in the North, he met several wealthy dealers who spoke earnestly of the good times when the foreign troops offered a profitable market for their products. By refraining from a bombardment of Peking, and destroying instead the widely celebrated summer palace, a blow was struck which humbled the Emperor without the loss of a single innocent life, and without injury to private property. The effect of this humane course, so directly opposite to the Chinese method of warfare, and indeed to the previous action of foreign armies in the East, was immediately apparent in the treatment which the inhabitants of Peking and its environs extended without exception to unprotected foreigners. And at present there are few countries in the world where one can travel with more safety than in Northern China.

If the attitude of the people during this war exhibited an indifference to the most important political questions, and to the interests of the government, it showed not less a great degree of independence among themselves, as well as an absence of unfriendliness to Europeans, and proved that our efforts towards the improvement of our relations with China must be directed as well towards them as towards the government.

The great advantages gained by the treaties, and by the war that insured their validity, were the permanent residence of foreign ministers at Peking, the opening of the Yangtse, the

right of travel in the interior for business or pleasure, and, indirectly, the extension of the foreign customs system. To appreciate the full value of these results, it will be necessary to glance at the position held by foreigners before the war.

Confined to a few ports, and treating only with the local officials, they were practically ignored by the central government. Having no intercourse with the latter, and treated as barbarian traders by the provincial authorities, such a thing as legal redress for injuries was out of the question. Gunboats ready to act on the orders of consuls, or even without them, were at every port, and no time was lost in using force on the slightest provocation. The different provinces were treated as so many independent nations, and war was waged at one port while trade was continued uninterruptedly at others. In all these troubles the central government shifted the responsibility to the shoulders of the provincial authorities, — a policy the effect of which became yearly more evident in the arbitrary action of foreign consuls, and in the insolent weakness of the native officials.

Such a system could not exist without leading to terrible abuse of power by the stronger side, and establishing dangerous precedents which could be used by either party whenever a favorable opportunity offered. And, worse yet, it formed a school in which foreign officials, merchants and their clerks, shipmasters and sailors, learned to exercise with impunity the law of might, and to hold the rights, property, and lives of Chinamen as of no value. Wholesale murder was committed almost daily at the ports, where it was a common occurrence for steamers and sailing vessels to run into and sink dilatory boats and junks, often crowded with passengers. Young clerks drove rapidly through crowded streets without stopping to care for the women and children run over by their carriages, and men of position made their way through thronged thoroughfares by belaboring the heads of the populace with heavy walking-sticks. Such acts were the more cowardly because of the timid and peaceful character of the natives, and the fact that the removal of foreigners from Chinese jurisdiction to the dead law of the consular courts almost insured impunity for every kind of crime. Hatred of the foreigner

caused by this state of things spread through all the provinces that were in close communication with the open ports.

That such an intercourse must have led to frequent and costly wars, and ultimately to a disintegration of China, and its absorption by European powers, can hardly be doubted ; and this danger would have been multiplied with the opening of every new port, and with the increasing influx of lawless adventurers attracted by the rebellion.

But the establishment of direct intercourse between the foreign ministers and the imperial government, an intercourse based on a revolution in the policy of the latter, substituted diplomacy for force, and, by causing disputed questions to be referred by both sides to Peking, reduced the powers alike of consuls and of viceroys to their legitimate limits.

Arriving at Peking at a time when the imperial government was reduced to its greatest straits by the rebellion, the ministers were able to give direct proofs of the sincerity of their professions of friendship and good-will, and immeasurable progress was rapidly made in breaking down the barrier of prejudice that had grown up between the two races. But although the just action of the representatives of Western powers was soon appreciated at Peking, and was generally met in a similar spirit by Prince Kung and the Board of Foreign Affairs, obstacles to harmonious action were not wanting on both sides at the treaty ports. In many instances both the consular and the provincial authorities were men who had been educated in the school of the past, and with them the traditional method of settling disputes by force was at times resorted to. Too often irregularities committed, now by the foreigner, now by the natives, caused troubles which were not referred to Peking till the use of force had made diplomatic action almost impossible. Unfortunately, too, the disregard shown at times by consuls for the treaties furnished the government with a ready answer, when its viceroys were charged with disobedience to instructions sent from the capital.

The control of their respective subordinates was easier to the ambassadors than to Prince Kung and the Ministers for Foreign Affairs. The central government, possessing in theory almost unlimited power, was practically fettered in its action

by the corrupt policy of selling its offices, or of paying nominal salaries, and allowing the officials to enrich themselves at the expense of the people and of the revenue,—a practice which could not fail to produce endless troubles, by affecting trade adversely, now to the spirit, now to the letter of the treaty.

The anti-foreign party was not, and perhaps is not yet, wholly crushed,—and though apparently daily losing ground before the increasing confidence in Western governments, and before the rapidly growing revenue brought into the imperial treasury by foreign trade, and by the honest administration of the foreign customs officers, it necessarily impeded the action of the Prince and his advisers. And even when, after the death of Hienfung, Prince Kung became Regent during the minority of the young Emperor, the fact that he soon might be held to answer with his head for the administration of the Regency prevented the use of extreme measures towards dilatory provincial authorities.

Thus in 1863 an accumulation of unsettled disputes with the different treaty powers, arising out of persistent disregard of the treaties at the ports and in the interior, threatened to produce a rupture, and to undo by a new war what had been already accomplished. Fortunately, the West was represented at Peking by men of just and liberal views, free from the prejudice of nationality and race, who were unwilling to risk by precipitate action the future welfare of one third of mankind and the interests of the world. At this time, when war seemed imminent, and when, considering the gigantic proportions of the Taiping and Mohammedan rebellions, a war might have indirectly overthrown the ruling dynasty, and resulted in long-continued anarchy, the foreign ministers framed a co-operative policy, the basis of a moral warfare. This policy, which was indorsed by the respective home governments, marks a new era in the history of the relations of the West and the East, and will surely be not less important in its results to us than to that immense nation with whom the nineteenth century is rapidly bringing us into a contact pregnant with much good or much evil. Originating in the necessity for united action on the part of foreign governments, to obtain the observance of the treaties, it binds the ministers to

consult together, and act in concert on all material questions: thus bringing to bear the moral pressure of the whole Western world in support of the just demands of each power.

As experience has shown that the source of the greatest dangers in the future lies in the weakness of the central government, as against its provincial officials, the co-operative policy binds the foreign powers to use every peaceful means of strengthening the former, both by encouragement and by moral pressure. One of the first steps in this direction was the guaranteeing the integrity of China proper, so far as concerned foreign nations, by their agreement neither to demand nor to accept concessions of territory from the Chinese government. To strengthen the government within, and to raise China to a military position commensurate with the rank she should hold in the world, the ministers agreed to encourage a thorough reorganization of her army, to assist her in adopting European discipline and arms, and to furnish the officers necessary to introduce these changes. The next and equally important step was to insure the maintenance of an honest and efficient administration of the foreign customs service, as a means of insuring the revenue necessary to centralized strength. While observing a general neutrality in face of the internal war, the policy called for such defensive action at the treaty ports as might be necessary to maintain treaty rights.

Each of the treaties of 1858 contained a clause permitting the subjects of the respective governments to acquire land for building-sites at the open ports. For greater convenience the consuls of the different treaty powers chose a considerable area for subdivision among their countrymen. These tracts soon came to be regarded as concessions of territory, forming no longer parts of the Chinese Empire. The security to life and property at the open ports soon attracted thousands of Chinese families flying from their homes before the scourge of the Taiping rebellion; and thus the foreign settlements, intended by the spirit of the treaties to furnish homes and places of business to foreign merchants, became cities containing vast numbers of natives who rented dwellings from foreign speculators. At Shanghai, the area under the control of foreigners, and more or less occupied by them, covers nearly ten square

miles, and is rapidly filling up with houses. In 1863 the population of this area was nearly one million. The extritoriality clause, which transferred jurisdiction over foreigners in all civil and criminal cases to their respective consuls, would have been easily extended so as to cover this native population, had the idea that the foreign settlements were concessions of territory been sustained. The first result would have been, that the most flourishing cities of the Empire, cities rivalling the largest in the world, would have sprung up on these concessions, concentrating Chinese capital, skill, and enterprise at points beyond the control of the legitimate government. After a few years there would have been British, French, and American cities on the coast and in the heart of China, according to the predominance of the nationalities at the different ports, — or they would have become free cities, like those of the Hanseatic League. The immediate interests of speculators — and almost every foreigner speculated — was to have this concession principle carried out, although unauthorized by the treaties; and, in the weak condition of the government, the action of the foreign authorities and the necessity of a municipal organization were rapidly rendering it an accomplished fact. But the principle was too unjust; it was sure to lead to serious complications among foreign powers and with the Chinese government, and was also sure to increase the weakness of the central government. In face of a strong opposition from their countrymen, the foreign plenipotentiaries at Peking agreed neither to ask nor to accept concessions of territory.

One of the difficult questions in our intercourse with Oriental nations is that of the jurisdiction over foreigners, especially in mixed cases. In the treaties with China, as in those with all Oriental countries, the extritoriality clause confers authority on consuls in all legal cases over their respective countrymen. The systems of Oriental laws and punishments differ so widely from those of Western nations, and there is such general corruption in their administration, that it would be out of the question to place the lives and property of Europeans under their control. Still some other system than the present is imperatively demanded; for the tendency of the

present method is to impair seriously the power of the native authorities over their own subjects, and the increasing amount of crime committed by foreigners is growing beyond the proper limits of consular courts.

It is evidently an outrage upon the spirit of international law that a Chinaman or a Japanese should suffer death for a crime against a foreigner, where for the same acts the latter would be punished with a fine or a short imprisonment. This is a question which will solve itself, before long; for China has only the alternative of gradual reorganization and progress in the track of the civilization with which she is coming every day more and more in contact, or of retrogression and disintegration. She can no longer remain stationary. There is great vitality in the people; but, unless it become active in them and in the government, Western intercourse will be to China a deadly evil. But there are weighty reasons for believing that the vitality of this people will carry the nation onward through the stages of reform that are needed to effect a transition to a higher political condition, and this reform would involve great changes for the better in many branches of its polity.

The Burgevine imbroglio* proved the danger that might attach to the employment of foreigners in the Chinese army, at the same time that the force organized by Ward and Burgevine demonstrated the possibility of making brave and efficient soldiers of Chinamen, when acting under proper officers and paid regularly. The foreign ministers urged strongly upon the government the necessity of beginning a radical change in the army, by providing bodies of native soldiers with foreign weapons, and having them disciplined by foreign drill ser-

* A few years since, an American, named Ward, acting under a commission from the imperial government, disciplined a force of Chinamen to act against the rebels. The undaunted bravery of their commander inspired these troops with a courage that carried everything before them, and their success won for them the name of "The Ever-Victorious Braves." After the death of Ward, from a wound in the head, received while leading his men through a breach in the wall of a rebel city, the command was given to Burgevine, one of Ward's bravest officers. This gentleman, after receiving a serious wound, was made the victim of intrigues on the part both of Chinese and foreign officials; and finding it impossible to obtain satisfaction for his just demands, very ill-advisedly deserted to the rebel cause. Had Burgevine's injury not impaired his energy, this step would certainly have prolonged the rebellion, and might perhaps have led to the overthrow of the Manchu dynasty.

geants, and already considerable progress has been made in this direction. Before any nation can make itself respected by others, it must be in a position to enforce internal order, and to maintain its rights against all comers. The present army of China is wholly unable to do either of these things, and is merely a gigantic drain on the resources of the country, a scourge to the inhabitants, and a source of official corruption. Favored as the Empire is by its geographical position, a small standing army disciplined and armed after the manner of Western troops would be sufficient for any emergency, and would remove the consciousness of weakness, — one of the greatest obstacles to general improvement.

But the most important and most active innovation is the foreign customs organization, which collects the duties on all foreign exports and imports. Originating, in 1854, in the appointment at Shanghai, at the request of the local officials, of three inspectors chosen by the consuls of the three treaty powers, the unexpected increase of the customs revenue attracted the attention of the officers of other provinces, and led to the ultimate extension of the system to every open port. From being a foreign governmental aid to the Chinese, it has become an arm of the Chinese government, and as much a national institution as the customs department in any Western country. At each port there is a commissioner, having under his orders the necessary number of clerks, tidewaiters, &c., of different nationalities. Over all these is an inspector-general, appointed by the Board of Foreign Affairs, with which he corresponds, and through which he reports to the Board of Revenue. The government has been fortunate in choosing for its inspector-generals men of great ability and well acquainted with the language and customs of the country; and the present incumbent, Mr. Robert Hart, is evidently alive to the importance of the institution as a means of improving every department of Chinese administration.

Every effort is made not only to maintain thorough honesty in the service, but to attract to it young men of high intellectual capacity, and to this end extremely liberal salaries are paid. The employees are now taken from among the best graduates of the English and American universities, the former

after a severe competitive examination. After studying the language for two years at Peking, with a salary of £400, they enter active service as clerks, with salaries increasing with promotion from £600 to £1,200; and when advanced to the rank of commissioners, of whom there are thirteen, they receive, according to the post, £1,200 to £2,000.

It is hoped that in time the necessity for employing foreigners will disappear, and that the administration will pass gradually into the hands of efficient native officials. The government fully appreciate the advantages of the institution. Indeed, it could scarcely be otherwise, considering the great increase in the revenue derived from foreign trade. According to Mr. Hart, they are also gradually learning the importance of paying salaries large enough to raise officials above the necessity of being dishonest; and they are realizing, too, the advantages of departmental division of labor, as compared with the long-established practice of uniting in one official the most varied duties,—a practice that renders any check on fraud impossible. If the successful working of the customs organization should lead to reform in these two particulars, (and there is much reason for believing that it will,) the greatest barrier in the way of improvement in other respects will then be removed, and the road to judicial reform will be open.

Among the great changes that remain to be accomplished the most needed are such as would affect the finances of the Empire; for by insuring a proper collection and application of the revenue, the provincial authorities would be made dependent upon the central government, instead of the reverse as at present, and the largest source of official corruption would be removed. The accomplishment of these changes and those connected with the judicial organization is a question rather of reform than of revolution. They could be brought about without the overthrow of the existing religious or social organization, and without any change in the established theory of government.

Such reforms must be the fruit of the grafting of Western ideas on the Chinese stock, and their growth must necessarily be slow. They can flourish only under the patient forbearance of more powerful nations, whose duty and true interest it is to encourage, and not repress.

Until ten years ago, the decrees issued from the imperial throne taught the people to look upon all foreign nations as barbarian tribute-bearers, and as trembling subjects of the mercy or wrath of the "Son of Heaven." Now this language has disappeared: the decrees published in the gazette and sent through the Empire speak in becoming terms of Europeans, and generally give to foreign employees the credit they deserve. Recognizing no equals, and nominally merely tolerating the presence of foreigners, the government always insisted that in all our intercourse with it we should assume the attitude of suppliants. This stumbling-block disappeared after the last war; and in 1863, acting readily on the advice of Mr. Burlingame, they employed the American missionary, Dr. W. P. Martin, to translate Wheaton's International Law. Some of the best scholars in the Empire were associated with Dr. Martin as assistants; and Tung, perhaps the leading scholar of China, a member of the Board of Foreign Affairs, gave constant attention and the finishing touches to this great work, which was published early in 1865.

That the government does not look upon this as a mere piece of fancy-work is proved by the fact that copies are sent to officials in all parts of the Empire, especially on the coast, as also by the following circumstance. During the late war between Prussia and Denmark, the Prussian fleet in Chinese waters seized two Danish vessels. One of these was captured while at anchor within three miles of the shore; in the other instance, the Prussian, while anchored within the three-mile limit, sent its boats to capture the Danish vessel outside these bounds. The translation of Wheaton was not yet published; but its principles seem to have become familiar to some of the high officials, for the government instantly demanded the release of the vessels, on the ground that their capture was an infringement upon the neutrality of the Emperor. Much to the astonishment of the Prussian minister, the government quoted in support of its position decisions exactly covering the cases, and which had been rendered against England, by English law officers, during the war with America.

The establishment by government of a school in which foreign languages and other subjects are taught is another step

forward ; for from this school are to be taken interpreters and secretaries for envoys to the West, and for officials at the treaty ports.*

In looking over the history of affairs at Peking during the last six or seven years, one hardly knows which most to admire, the unexpectedly high degree of intelligence and statesmanship of some of the leading officials, or the wise diplomacy of the foreign ambassadors in turning these to account. But the same history exposes the weak points of Chinese administration, and the existence of a public opinion that demands to be consulted. For example, when Mr. Lay, having, by authority from the government, organized a flotilla, entered into an agreement with the commander, Captain Osborne, that he should act only under orders from Peking, he transcended not only the limits of his own power, but likewise those of the central government. It may be well to review briefly this transaction, which threatened to lead to disagreeable results.

The increase of piracy and smuggling along the coast and on the rivers called for action on the part of the government, unless it were willing to have the police duty of the Chinese waters exercised by foreign men-of-war. The Board of Foreign Affairs, therefore, authorized Mr. H. N. Lay, the Inspector-General of the Chinese Maritime Customs, to contract for the building in England of a flotilla of gunboats, which should form a portion of the naval force of the Empire, and be officered and in part manned by Englishmen. A fine fleet of eight steamers was accordingly built and sent out to China, and the command, with the rank of admiral, given to Captain Sherard Osborne, one of the best officers of the British navy.

The agreement between Lay and Osborne contained a pledge to the latter that he should be responsible only to the central government at Peking, at the same time binding him to act upon no orders, even from the Emperor, unless they had first received the sanction of Lay. This agreement the govern-

* This school has lately been enlarged in its plan, and is now called the University of Peking. Its president is one of the highest and most learned of the Chinese ministers, while an able corps of professors from the West has been attached to it.

ment refused to recognize, not only because it had no wish to put supreme power into the hands of its chief of the customs service, but also because the theory and practice of government in China required that the authority over the navy should be vested in the viceroys of the provinces in which its services might be needed. Thereupon, Captain Osborne, declining to be placed in subjection to provincial officials, resigned his position; Mr. Lay was dismissed from service; and the vessels were sent back to England, where they were sold on account of the imperial government.

Thus was this costly and much needed squadron lost to China, not simply because Mr. Lay had assumed to make himself the arbitrating medium through which the admiral should receive the imperial orders, but quite as much because of the fear of the Regency to assume a responsibility which by custom belonged to the provincial authorities.

How much greater the powers of the Emperor may be than those of the Regency, which will end when the Emperor decides to take the reins into his own hands, is a difficult question; but the strong language of censors in memorials to the throne reveals the existence of checks on the imperial will that have their origin in public opinion, whether this be the sentiment of the people generally, as is most likely, or of the large class of literati, or simply of the great body of officials.

The existence of such a powerful public influence should admonish us that the field of our labor is not confined to Peking and the government alone. Great as is the advance already made, we have on our part to show the people throughout the Empire that a treaty is not a mere concession obtained by force, and binding only the conquered.

How easily public opinion concerning us is formed was well shown in the province of Hunan in 1862. An English gunboat at Hankan burned a junk which was conveying soldiers to Nanking. The soldiers had brutally assaulted an Englishman, and with a precipitation worthy of the old retaliation policy the junk was burned. But the vessel was private property, having been impressed in Hunan by the braves; and its destruction, instead of being a punishment of the offenders, incensed the whole population of Eastern Hunan. Know-

ing no difference among foreigners, the inhabitants of that province visited on the heads of the Catholic missionaries the offence of the English gunboat, destroying the missions, and barely allowing the priests to escape alive. So strong was the hatred towards the foreigner, a feeling first communicated along the great transit route from Canton, and increased by this blind act of retaliation, that in 1863 the writer found it impossible to penetrate to Southern Hunan with safety.

In strong contrast to this stands the treatment shown to foreigners through Northern China: all who have travelled in that part of the Empire will bear witness to the friendliness of the people.

It is not enough that the government at Peking understands the whole meaning of the treaties, the privileges and obligations mutually conferred and exacted, and that it appreciates the importance to China of the plans followed and recommended by the foreign ministers; it is absolutely necessary that this knowledge should extend to the whole wide-spread body of officials, and further yet to the people at large. The treaties have been published throughout the Empire, and the mandarins ordered to abide by them; but it requires time for the officials to learn the meaning of such innovations. Then, too, aside from the weakness of the central government, the local authorities have really little power over the people. An official would gladly pay a considerable sum to any foreigner to bribe him to avoid the limits of his authority, so much do they fear popular disturbances, which they are powerless to quell. The authority of the mandarin is, indeed, in great measure dependent on the forbearance of the people, and is proportionate to his popularity. Few officials, even in sight of Peking, venture to resort to extreme measures.

From these considerations it appears how much the extension of our intercourse with this race into fields not yet opened by treaties will depend on the manner in which we meet the people, or rather upon the policy by which Western powers shall regulate the actions of their subjects. In China, the axiom, that the will of the people is the will of Heaven, and must be observed by the Emperor, the Son of Heaven, has during thousands of years been accepted as a fundamental principle of govern-

mental science, and continued disregard of it has always caused the overthrow of the aggressive dynasty. This axiom is as powerful to-day as ever, and it is probable that the Emperor would not dare to make a concession antagonistic to the wishes of the people,—and there is hardly a concession which we could now ask for that would not call forth a widespread opposition.

The foreign trade of China is as nothing, when compared with the increase which we have a right to hope for; but this increase will require the introduction of steamers throughout the immense network of inland waters, the construction of long lines of railways and telegraphs, and the development of a great mechanical industry on the basis of the boundless resources of the Empire in coal, iron, raw materials, labor, and capital.

We have no right to expect that the dense population of China will readily welcome these innovations. The government cannot force them on the people; their introduction can only follow a general conviction of the advantages to be derived from them. From the government we may ultimately get the right to reside in the interior, and to treat with its subjects for the purchase of property, right of way, &c.; but even this must be based on the strict observance of the treaties by foreigners.

There is little doubt that by exercising patience the prejudices that arise from ignorance of the principles of political economy will be gradually overcome. The Chinese are so essentially practical, and they are from childhood such adepts in the art of making commercial combinations, that we may reasonably expect a rapid introduction of the great modern instruments of material prosperity. The opening of the lower Yangtse to foreign steamers—a step rendered easy by the destruction of native shipping by the rebels—is instructing the native capitalists and the people generally in the advantages of steam transit, and many steamers are now owned by the former, while native passengers willingly pay higher fares for the privilege of being carried more quickly than by junks.

Many, if not all, of the wealthy Chinese merchants at the open ports appreciate already the advantages to be derived

from the introduction of modern improvements, and are ready to advance capital for that purpose, and the opposition of special interests will probably be overcome by driving the wedge gradually. But both the people and the government must first learn that foreign ideas and improvements are not intended to overthrow the national independence and the imperial authority.

Thus far nothing has been said concerning the missionary problem, — for it should not enter into the question of foreign policy. The zeal which urges the Catholic enthusiast to seek a martyr's crown in the interior is a fruitful source of trouble to France, the champion of the Church. As a religious movement, the Chinese government views the missionary enterprise with perfect indifference, but it fears its political bearings. The authority of the priest too often impairs that of the mandarin, though frequently in favor of justice. Were there danger of more general proselyting, the fear of the extension of priestly power would probably raise an active opposition to the missionaries, but at present the labors of the latter are mostly confined to the small cures that have descended from the past. Few new converts are made beyond the children saved from death or bought from poor parents.

The work of the Protestant missionaries has thus far done little toward complicating our relations with China. Confined mostly to the immediate neighborhood of the treaty ports, they interfere little with the local authorities, and their success is so slight, and even so doubtful, that the government now offers no opposition to their teaching.

In a conversation with Mr. Burlingame, one of the members of the Board of Foreign Affairs thus stated the views of the government. "Our sentiments are identical with yours, though they are expressed by different signs; and our religious principles are the same as yours, though they are clothed in different forms: that is to say, what you mean by 'Lord' we call 'Heaven.' It is not a firmament of stone or vapor that we worship, but the Spirit who dwells in Heaven. In the popular idolatry we put no faith whatever, but the Emperor makes use of it as an auxiliary power in governing the people. The teachers of every creed agree as

to the principles of virtue ; any one of these systems will suffice to deter men from the perpetration of secret crimes, which the law of the land would be powerless to prevent. . . . As a proof of our liberality, I may mention that we are even now inviting Christian missionaries to become the teachers of our children ; and if Christian churches ever produce better citizens than Buddhist, or Christian schools better scholars than the Confucianist, we shall gladly acknowledge their work."

It is well for China that the Western powers have been represented at Peking by statesmen who had the wisdom to inaugurate a new policy, and the patience to carry it out through all the opposition they encountered. The co-operative policy, framed chiefly by Mr. Burlingame and Sir Frederick Bruce, with the approval of their colleagues, at the same time that it acts as a wholesome check on individual judgment, insures as far as possible the observance of the treaties by all parties ; and while it exerts a strong pressure on the Chinese government, there is just enough diversity in the interests of the treaty powers, and enough of national jealousy, to guarantee that this pressure shall not be used unjustly.

Of the ministers who worked hand in hand in inaugurating the new policy, none are now in Peking. Sir Frederick Bruce, a true friend of America during its troubles, left China to represent his country at Washington. His death, last year, came at a time when his dispassionate judgment could not well be spared on either side of the Atlantic. How deeply interested he felt in the welfare of China will appear from the following extract from a letter addressed by him, a few weeks before his death, to the writer of this article.

"I have lost none of my interest in those countries [China and Japan], and sober reflection has only confirmed me in my high appreciation of the qualities of the people and of the statesmen of China. The great fact remains, that since 1860 they have pulled through their foreign difficulties, and have done much to improve their internal condition, without impairing their authority or their rights. We can claim for the 'co-operative policy,' that it contributed largely to that end ; that the moderation impressed upon foreign ministers by their agreement to act together kept the individual repre-

sentatives within bounds; and that the support given to the custom-house system affords the best, and, indeed, the only, hope of assimilating pacifically the Chinese administration to the emergencies of Western intercourse and ideas. I believe, that, if the policy then sketched out is steadily adhered to, and the Chinese are brought to rely on our friendship and good faith, we shall have little cause to complain, and the march of progress will be soon accelerated. The speed with which changes are effected bears some ratio to the size of the area where the changes are to be introduced, and to the numbers of the nation which it is sought to impress,— a truth we are very apt to forget.”

M. Berthémy, also an earnest worker in the framing of the co-operative policy, now represents his country at Washington.

Mr. Burlingame, after a short visit home in 1865, returned to Peking, where his position as senior member of the diplomatic corps, as well as his strong personal influence, enabled him to continue the harmonious action among the more newly arrived ministers, and between them and the Board of Foreign Affairs. The brilliant appointment which he has lately received from the Chinese government is an evidence both of the high estimation in which he is personally held, and of the successful working of the policy of which he was the most active framer.

RAPHAEL PUMPELLY.

ART. X.—1. *Allegiance and Citizenship. An Inquiry into the Claim of European Governments to exact Military Service of Naturalized Citizens of the United States.* By GEORGE H. YEAMAN. Copenhagen. 1867.

2. *Recent Debates in Congress.* Congressional Globe. Washington. 1867, 1868.

THE last weighty question of international law which has arisen to vex the diplomatists of these busy times concerns expatriation and naturalization. Like so many of its predecessors, it has assumed the form of a conflict between the New